REMARKS

Overview

This Amendment accompanies a Request for Continued Examination (RCE). Claims 1, 2, 4, 5, 8, 10, 13-25, 45, 46, and 48-54 are pending in the present application. The present response is an earnest effort to place all claims in proper form for immediate allowance or better form for appeal. Entry and reconsideration is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2, 4, 5, 10, 13-17, 19-25, 45, 46, 49-52 and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Alt et al. (U.S. 5,898,384) in view of Gordin et al. (U.S. 4,712,167).

The sole issue in the case is obviousness based on the above combination of references. Each of Alt and Gordin '167 have been discussed in detail in Applicants' prior response. That detailed discussion is incorporated by reference herein.

Applicants note that the final rejection page 3 makes the statement that it is the Examiner's position the rejected claims do not contain limitations which have been argued to distinguish those claims from the cited art. In an effort to advance prosecution of the present application, this response amends independent claims 1 and 45 in a manner which is believed to follow the Examiner's suggestion in the Office Action page 3.

Obviousness requires that the cited reference appear to teach a combination of Applicants' claims to one of ordinary skill in the art. Applicants have amended independent claims 1 and 45 to further emphasize a distinct difference between either Alt or Gordin '167. Specifically, claims 1 and 45 emphasize a central control system that includes a database of events or conditions.

That central control system includes remote controllers that can be installed at plural wide-dispersed locations. The central control can communicate data from the database to any of the remote controllers to, for example, instruct a function to occur at any of the electrical devices at the different widely-dispersed remote sites. One example related to lighting systems is the ability for one database to be developed at the central site with a schedule of on/off times for each of the lighting systems and/or each subset of lights in a lighting system. This allows lights to be turned on and off according to that adjustable centralized schedule without having to have persons physically travel out to the site of the lighting systems at those times. This can save tremendous resources. It also can avoid mistakes or forgetfulness of on-site employees.

Claims 1 and 45 have also been amended to emphasize this database at the central location is adjustable regarding the events or conditions which will control the remotely dispersed devices. Minor changes have been made to claims 1 and 45 for consistency and to emphasize this general paradigm.

As addressed previously, Alt does not teach this paradigm. Instead, Alt is concerned about having programmability or adjustability of events or conditions controlling an electric device at each of the electrical devices. Control unit 16 is placed "at each electrical apparatus location". Alt Abstract, line 5. Figure 1 shows that control unit 16 at the site of the electrical device. Alt column 3 beginning at line 53 through column 4 line 38, describes different alleged attempts to remotely control the on or off switching of sign board illumination systems. One option was use of photo cells or timers for each sign board lighting system. This required workers to physically go to each sign and set the timer or photo cell. Another example discussed is utilizing radio transmissions to activate sign board lighting systems. Alt says this is not practical "because of the high cost and time required to send individual radio signals to each sign

board or group of sign boards." Alt column 4 lines 12-14. It goes on to state that "each individual electrical apparatus would require its own transmissions, and an excessive number of transmissions would be necessary to effectively control the system."

Beginning at column 4 line 27, Alt summarizes its solution to those problems. It does use a central type component to send "both programming and timing signals" to each electrical apparatus. Column 4 lines 28-31. But, as pointed out in Applicants' previous response, what this means is as follows. The on-site control unit 16 can be set to one of five lighting protocols in the example given in Alt detailed description. The adjustability of events or conditions that control when the sign board lighting is turned on or off are therefore stored in a database in control unit 16 at each remote widely-dispersed electrical device. See Alt column 10 beginning at line 5. Alt describes the benefit of this paradigm. Each dispersed electrical device has a plurality of different "built-in" timing protocols for on/off. What the more central lighting control computer 21 does, then, is either send out to a plurality of these remote electrical devices a "timing signal". The timing signal is "broadcast at predetermined times" (Alt column 13 lines 4-5) and "decoded by all control unit 16 to establish daily "benchmark" times. (column 13 lines 6-7). The example of a benchmark time could be sunset or sunrise. Computer 21 transmits "a timing signal at each of these times." Column 13 lines 29-30. Each control unit 16 at the individual electrical devices thus has a benchmark reference signal by which it can operate its internally programmed on/off schedule. The other transmission from lighting control computer 21 is a "programming signal" the "first six digits [of the programming reference signal] represent the unique sign address for the particular control unit 16 to be programmed." Column 16 lines 25-28. It is each control unit 16 that determines whether it is receiving a programming signal or a timing reference signal.

Column 16 lines 24-26. Alt columns 15 and 16 describe how a programming reference signal can be sent to change the internally stored lighting protocol between the five protocols, if desired.

Therefore, this is not commensurate with the paradigm of Applicants' claims. The database of events or conditions in Alt is stored on site in each of the electrical devices in control unit 16. In contrast Applicants' claims store and adjust a central database for all remotely dispersed electrical device at the central computer.

This corroborates Alt's goal of having adjustability at each of the widely dispersed devices.

As described previously, Gordin '167 does discuss remote controls, but they are either hardwired or radio remote controls used locally at the lighting system. In one embodiment, the lighting system is a mobile system on a truck. The remote controls allow the on-site operators to control the lights. There is no remote central control off-site.

Therefore, it is respectfully submitted the combination of cited references does not teach Applicants' claims. In fact, both teach away from Applicants' claims. Alt discloses plural pre-programmed lighting protocols at each sign board lighting location with the ability to broadcast to a whole set of those light board lighting systems either a timing reference signal (to keep all the systems referenced to a common timing signal) or a programming signal (which could change one of the pre-programmed lighting protocols at the remote sign board lighting controller 16. Gordin '167 does not disclose a database with events or conditions for a variety of different lighting systems. Its remote controls are local to the lighting system.

As KSR confirmed citing to United States vs. Adams, 383 U.S. 39 (1966) "when the prior art teaches away from combining certain known elements, discovery of a successful means of

combining them is more likely to be nonobvious." KSR at page 12. As shown above, both references teach away from Applicants' present claims.

As can be appreciated, Applicants' claims are not predictable from the teachings of the cited references. Both go in different directions. Furthermore, the art of record establishes that widely dispersed electrical devices have substantial impediments to having any type of consolidated remote control. In one example in Applicants' Specification, a sports lighting system owned by a school district of one town would not predictably want its lighting system centrally controlled by another entity at a remote location. This loses local control of the lights. There also can be resistance to multiple different school districts or park and recreation departments in different towns from relying on a third party central control of lights. In other words, Applicants' claimed invention does not limit itself to one entity remotely controlling its lights. It allows many, many different unrelated entities in widely dispersed areas to rely on one central consolidated control. This is simply not taught or suggested in either Alt or Gordin '167.

In summary, Alt discloses a broadcast timing reference signal from a control computer that initiates a pre-programmed protocol at each on-site control unit 16. It does not send data from a database of events or conditions that have been programmed for those individual control units 16. Only one internally programmed protocol at each control unit 16 can be used when the local database is set. There is no mention of different protocols selected based on a specific day, week, or month. It is therefore respectfully submitted Applicants' independent claims 1 and 45, and the remaining claims, dependent there from, are not obvious in light of Alt and/or Gordin '167.

Conclusion

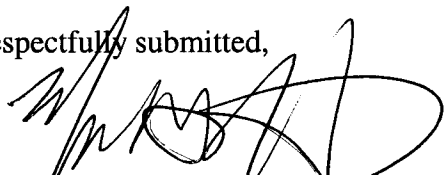
This amendment accompanies the filing of a Request for Continued Examination (RCE). Please charge Deposit Account No. 26-0084 the amount of $810.00 for the RCE per the attached transmittal.

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for one month from December 17, 2008 to January 21, 2009 (Holiday). Applicant is a large entity; therefore, please charge Deposit Account number 26-0084 in the amount of $130.00 to cover the cost of the one month extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

No additional fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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